

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM ELIENIST,)	
Petitioner,)	
v.)	C.A. No. 06-59 Erie
JAMES SHERMAN,)	
Respondent.)	

MEMORANDUM ORDER


This petition for writ of habeas corpus was received by the Clerk of Court on March 7, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 16, 2007, recommended that the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at USP Leavenworth, where he is incarcerated, and on Respondents. Objections were filed by Petitioner on March 2, 2007, and a response to the objections was filed on March 30, 2007. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 16th Day of April, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated February 15, 2007, is adopted as the opinion of the court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____